

HOUSE BILL 568
By Towns

AN ACT to amend Tennessee Code Annotated, Section
24-7-118 and Title 40, Chapter 17, relative to DNA
evidence in felony cases.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 17, Part 1, is amended by
adding the following as an appropriately numbered new section:

Section 40-17-125.

(a) In order to ensure a defendant's right to file a petition under
Tennessee Code Annotated, Title 40, Chapter 30, Part 3, or otherwise seek
exoneration in the future, any municipal, county or state law enforcement agency
that takes or comes into possession of the DNA evidence of a defendant charged
with a felony, shall store and continue to store such evidence in a secure and
climate-controlled environment until the defendant so charged, or such
defendant's estate, gives written permission to the agency in possession of the
evidence that it can be removed and destroyed.

(b) Notwithstanding the provisions of § 24-7-118 to the contrary, no DNA
evidence shall be admissible against any defendant charged with a felony unless
the state adequately demonstrates to the court that the item, object or sample
that produced the DNA evidence is and will be stored in such a manner as will
preserve it for possible DNA analysis in the future.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.